

**County Board Regular Meeting
Oneida County Board of Supervisors
Tuesday, April 21, 2015 - 9:30 a.m.
Oneida County Courthouse
County Board Meeting Room 2nd Floor**

CALL TO ORDER:

Chairman Hintz called the meeting to order at 9:30 a.m. in the County Board Meeting Room of the Oneida County Courthouse. There was a brief moment of silence for our troops here and overseas, followed by the Pledge of Allegiance.

MEMBERS PRESENT: Supervisors: Ted Cushing, Billy Fried, David Hintz, Scott Holewinski, Jim Intrepidi, Mitchell Ives, Robb Jensen, Tom Kelly, Lance Krolczyk, Bob Metropulos, Bob Mott, Greg Oettinger, Carol Pederson, Sonny Paszak, Tom Rudolph, Jack Sorensen, Michael Timmons, and Lisa Zunker.

OF MEMBERS PRESENT: - 18.

SUPERVISORS EXCUSED: Bill Freudenberg, Alan VanRaalte and Alex Young.

STUDENT REPRESENTATIVES PRESENT: 2 - Bailey Nichols and Erin Tenderholt.

OTHERS PRESENT: Mary Bartelt, County Clerk; Melodie Gauthier, Chief Deputy Clerk; Brian Desmond, Corporation Counsel; Freeman Bennett, Highway Department; John Bilogan, Forestry Director; Mike Romportl, Land Information Director; Dianne Jacobson, Department on Aging Director; Lisa Charbarneau, LRES Director; Linda Conlon, Public Health Director; Karl Jennrich, Planning and Zoning Director.

ANNOUNCEMENTS BY CHAIR, CORRESPONDENCE AND COMMUNICATIONS

- Sign Attendance Form at the Podium
- Please Use Microphones When Speaking

Chairman Hintz stated Wilbur Petroskey has resigned from the Veteran's Commission. Mr. Petroskey was appointed in 1970, 45 years ago. Four applicants have applied for the Veteran's Commission and one will be selected by next week. Chairman Hintz also stated there is an opening on the Law Enforcement Grievance Committee and hopefully a person will be selected before the next meeting.

ACCEPT THE MINUTES OF THE MARCH 17, 2015 MINUTES

Corrections, deletions or additions:

Supervisor Rudolph stated on the bottom of page 2, the word "aren't" makes the sentence a double negative. The word "aren't" should be "not".

MOTION/SECOND: **Cushing/Sorensen** to accept the minutes as amended. All "aye" on voice vote, motion carries. Rudolph – Abstained.

REPORTS/PRESENTATIONS

- Conservation Awareness Speech Contest Winners
Supervisor Rudolph introduced the winner of the Conservation Awareness Speech Contest - Margaret Mouw - 5th grade – Sugar Camp Elementary. Speech title: The Spiny Water Flea.
- Oneida County Highway Operations 2014 Financial Report – Freeman Bennett.

MOTION/SECOND: **Cushing/Paszak** to approve the Highway Operations 2014 Financial Report. All "ayes" on voice vote, motion carries.

- Oneida County Land Information Office 2014 Annual Report - Mike Romportl.

MOTION/SECOND: **Jensen/Rudolph** to accept the Land Information Office 2014 Annual Report. All "ayes" on voice vote, motion carries.

- Oneida County Forestry, Land and Recreation Department 2014 Annual Activity Report.-John Bilogan.

MOTION/SECOND: Cushing/Sorensen to accept Forestry, Land and Recreation Department 2014 Annual Activity Report. All “ayes” on voice vote, motion carries.

Chairman Hintz stated he would like to see safety mentioned in all future annual reports.

PUBLIC COMMENT – none.

Chairman Hintz would like to remove Resolution #28-2015 from the Consent Agenda and table indefinitely. Resolution #28-2015 is a Proclamation regarding Fair Housing.

ROLL CALL VOTE: 18 Ayes, 0 Nays, 3 absent – Young, VanRaalte and Freudenberg.

STUDENT REPRESENTATIVES: 2 Ayes.

MOTION: passes.

CONSENT AGENDA

Resolution #28 - 2015 offered by Chairman David Hintz regarding a Proclamation on Fair Housing. (removed)

Resolution #29-2015 offered by the Health and Aging Committee, Board of Health urging the State Legislature to appropriate \$2.5 million each fiscal year to support communicable disease control and prevention programs.

Appointments to committees, commissions and other organizations

- To reappoint Wilbur Petroskey to the Rhinelander/Oneida County Airport Commission for a term to expire April 2021. (6 years)
- To reappoint Nancy Brissee to the Oneida County Board of Health and Aging Committee with a term to expire April 2018. (3 years)
- To reappoint Carol Pederson to the Human Services Board with a term to expire April 2018. (3 years)
- To reappoint Harland Lee to the Human Services Board with a term to expire April 2018. (3 years)
- To appoint James Voborsky to the Law Enforcement Grievance Committee with a term to expire April 2018. (3 years)

MOTION/SECOND: Rudolph/ Sorensen to approve the Consent Agenda with the removal of Resolution #28-2015.

ROLL CALL VOTE: 18 Ayes, 0 Nays, 3 Absent – Young, VanRaalte and Freudenberg.

STUDENT REPRESENTATIVES: 2 Ayes.

CONSENT AGENDA: passes.

CONSIDERATION OF RESOLUTIONS & ORDINANCES

RESOLUTION #30-2015

Resolution offered by Supervisor Ted Cushing.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, ADRC (Aging and Disability Resource Center) enables individuals with physical disabilities, cognitive disabilities and the frail elderly to remain in their own homes to avoid institutionalization; and

WHEREAS, ADRC has been proven to reduce the cost per member for publicly

funded long-term care services while receiving very high customer satisfaction ratings; and

WHEREAS, Governor Walker's 2015-2017 budget proposal would restructure Wisconsin's long-term (LTC) Family Care Program and has the potential to dismantle existing county Aging and Disability Resource Centers (ADRC); and

WHEREAS, input regarding the proposed changes was not sought from people who receive long-term care services; their families; aging and disability advocates; local officials; Managed Care Organizations; ADRCs; provider agencies; the State Long-term Care Advisory Council or legislators; and

WHEREAS, the Governor's budget would replace the existing Managed Care Organizations with statewide (potentially for-profit) health insurance companies that will provide primary and acute health care as well as long-term care service using a non-bid process; and

WHEREAS, the Governor's budget would give authority to the Department of Health Services (DHS) to eliminate county-run ADRC's by contracting out many of their functions; and

WHEREAS, Wisconsin ADRCs are a nationally recognized model for providing the public with resources and options counseling that assist individuals and their families to maximize personal assets and resources before accessing and relying on publicly funded long-term care; and

NOW, THEREFORE, BE IT RESOLVED, that the County Board supports Wisconsin retaining its existing, successful and cost-effective model of ADRCs and Family Care until stakeholders are included in pursuing opportunities to improve the quality and effectiveness of the long-term care delivery system.

BE IT FURTHER RESOLVED that the Oneida County Board of Supervisors directs the County Clerk to provide a copy of the resolution to Governor Scott Walker, State Senator Tom Tiffany, Representatives Rob Swearingen and Mary Czaja and the Wisconsin Counties Association.

Offered and passage moved by Supervisor: Ted Cushing

Seconded by: Supervisor Carol Pederson.

MOTION/SECOND: Rudolph/ Mott to amend Line 8 (ADRC) define the acronym.

ROLL CALL VOTE: 18 Ayes, 0 Nays, 3 Absent – Young, VanRaalte and Freudenberg.

STUDENT REPRESENTATIVES: 2 Ayes.

ROLL CALL VOTE ON AMENDED RESOLUTION #30-2015: 18 Ayes, 0 Nays, 3

Absent – Young, VanRaalte and Freudenberg

STUDENT REPRESENTATIVES: 2 Ayes.

AMENDED RESOLUTION #30-2015: adopted.

RESOLUTION #31-2015

Resolution offered by the Supervisors of the Labor Relations Employee Services (LRES) Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, with the implementation of the Affordable Care Act (ACA), the number of women needing the Wisconsin Well Woman program has declined. In response, the State has developed multi-county Well Woman programming. Oneida County has been selected to lead the program in Oneida, Vilas, Florence, Forest, Iron, Bayfield, Ashland, Price and Sawyer counties; and

WHEREAS, the amount of time needed to implement the program will require an 80% coordinator position; and

WHEREAS, the funding of the position will be fully covered through grants and revenue; and

WHEREAS, the Public Health Director and the Health and Aging Committee fully support and recommend to the LRES Committee the creation of such position with all

costs associated with the position to come from grant dollars and revenues; and
WHEREAS, the LRES Committee did review the recommendation of the Public Health Director and Health and Aging Committee and does support the creation of a part-time (80%) Community Health Specialist position with all costs associated with the position to come from grant dollars and revenues.

NOW, THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that on April 22, 2015, a part time (80%) Community Health Specialist position be created at Grade Level J of the Oneida County Exempt Employee Wage Schedule with the understanding that should there be a decrease in funding the position shall decrease accordingly.

BE IT FURTHER RESOLVED, by the Oneida County Board of Supervisors that by adoption of this resolution it shall be deemed that an amendment has been made to the County budget for fiscal year 2015 to meet all projected costs for the position with monies to come from non-tax levy grants and revenues.

Approved by the Labor Relations Employee Services Committee this 27th day of March, 2015.

Offered and passage moved by Supervisors: Cushing, Fried, Paszak and Pederson.

Brian Desmond, Corporation Counsel, stated a 2/3 vote is needed to adopt Resolution #31-2015. (12 votes).

ROLL CALL VOTE: 18 Ayes, 0 Nays, 3 Absent – Young, VanRaalte and Freudenberg.

STUDENT REPRESENTATIVES: 2 Ayes

RESOLUTION #31-2015: adopted.

RESOLUTION #32-2015

Resolution offered by the Supervisors of the Labor Relations Employee Services (LRES) Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, due to the retirement of an incumbent employee, the Public Health Director and the Human Resources Director reviewed the knowledge, skills, abilities and job duties of the Clerical Support II position at the Public Health Department and recommend a reclassification of the position; and

WHEREAS, the Health and Aging Committee did agree, approve and recommend to the LRES Committee the recommendation of the Public Health Director and Human Resources Director to reclassify the Clerical Support II position to an Administrative Support position based on a higher level of duties and responsibilities that have been added to the position: and

WHEREAS, the LRES Committee did review the recommendation of the Public Health Director, Human Resources Director and Health and Aging Committee and does recommend the reclassification of the Clerical Support II position at the Public Health Department to an Administrative Support position based on the addition of higher level duties and responsibilities.

NOW, THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that effective upon the hire date of a new employee, the position of Clerical Support II at the Public Health Department will be reclassified from Grade Level E of the Non-exempt Wage Schedule to an Administrative Support position at Grade Level F of the Non-exempt Wage Schedule; and

BE IT FURTHER RESOLVED, by the Oneida County Board of Supervisors that by adoption of this resolution it shall be deemed that an amendment has been made to the County budget for fiscal year 2015 to meet all projected costs for the position with monies to come from the contingency fund.

Approved by the Labor Relations Employee Services Committee this 27th day of March,

2015.
Offered and passage moved by Supervisors: Cushing, Paszak and Pederson.

ROLL CALL VOTE: 17 Ayes, 1 Nay – Sorensen, 3 Absent – Young, VanRaalte and Freudenberg.

STUDENT REPRESENTATIVE: 2 Ayes.

RESOLUTION #32-2015: adopted.

**RESOLUTION # 33-2015-GENERAL CODE OF ONEIDA COUNTY, WISCONSIN
ORDINANCE AMENDMENT #2-2015**

Ordinance Amendment offered by the Planning and Development Committee

WHEREAS, the Planning & Development Committee, having considered Ordinance Amendment #2-2015, (copy attached) which was filed January 29, 2015, (copy attached) to amend Section 9.52, Mobile Home, Manufactured Home and House Trailer Parks of the Oneida County Zoning and Shoreland Protection Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon February 18, 2015 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

WHEREAS, owners of manufactured home parks have stated the maximum square footage requirement if is problematic; and

WHEREAS, individuals in manufactured home parks desire attached additions to their principal dwelling; and

WHEREAS, all towns were notified and no comments were received for or against the proposed language; and

WHEREAS, one individual testified at the public hearing in support of the proposed language.

WHEREAS, the Planning and Development committee has carefully studied the proposed changes after listening to comments made at the public hearing and recommends approval.

**NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS
DOES ORDAIN AS FOLLOWS:**

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Chapter 9 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

**9.52 MOBILE HOME, MANUFACTURED HOME AND HOUSE TRAILER PARKS
(Amend. #10-2009)**

A. Site and Size

Mobile home, manufactured home and house trailer parks shall comply with the following requirements:

1. No permit shall be issued for the establishment of such a park unless the park is located on a minimum of 20 acres of land.
2. Individual lot area:
 - a. An individual lot for a single-wide mobile home or manufactured home shall not be less than 8,000 square feet in area in mobile home and manufactured home parks that do not conform to the provisions of

sec. 9.52 A(1) and (3), and sec. 9.52 B through I.

- b. An individual lot for a double-wide mobile home or manufactured home shall not be less than 16,000 square feet in area in mobile home and manufactured home parks that do not conform to the provisions of sec. 9.52 A(1) and (3), and sec. 9.52 B through I.
 - c. An individual lot not less than 8,000 square feet in area shall be required for each mobile home and manufactured home in mobile home and manufactured home parks that conform to the provisions of sec. 9.52 A(1) and (3), and sec. 9.52 B through I.
 - d. A mobile home, manufactured home or house trailer in excess of 32 feet in width shall be prohibited in mobile home, manufactured home or house trailer parks.
 - e. A mobile home, manufactured home or house trailer in excess of fifteen (15) feet in height shall be prohibited in mobile home, manufactured home or house trailer parks. This provision shall exclude community storm shelters in the height calculations.
 - f. The calculation for the minimum square footage required for the individual lot excludes the area necessary for the location of a primary and replacement septic system.
 - ~~g. The total square footage of all structures, including garages, on an individual lot shall not exceed 2,400 square feet.~~
 - ~~h. Enclosed attached additions to mobile homes, manufactured homes and house trailers shall be prohibited.~~
 - h. g. The density of house trailers permitted in a house trailer park shall be the same as the number of recreational vehicles permitted in recreational vehicle parks pursuant to sec. 9.53 A(3) of the ordinance.
3. Subject to the minimum requirements set forth in (2) above, each individual lot shall be at least 60 feet in effective width. Effective width shall mean the average distance between side lot lines measured on a line parallel to the front lot line.

B. Yards and Setbacks

The following minimum setback regulations shall apply:

1. No building, structure, mobile home, manufactured home or house trailer shall be located within 100 feet of the adjacent property lines when the adjacent property is located in Use District #2, Single-Family Residential District, Use District #3, Multi-Family Residential District, Use District #14, Residential and Retail District, or Use District #15, Rural Residential District. For all other use districts, the distance shall be 50 feet.
2. No building, structure, mobile home, manufacture home or house trailer shall be closer than 20 feet to any state, County or Township highway or road or arterial street or roadway right-of-way.
3. Mobile homes, manufactured homes and house trailers shall be setback a minimum of 15 feet from the traveled portion of any street or roadway within the park.
4. No part of any mobile home, manufactured home or house trailer, or any addition or appurtenance thereto, shall be located within 20 feet of any other mobile home, manufactured home or house trailer, or any addition or appurtenance thereto, nor within 50 feet of any accessory/service/community building.

C. Parking

There shall be at least one off-street parking space available for each lot which shall be located within 100 feet of such lot. However, the total number of parking spaces provided in each park shall be equal to not less than 1.33

times the maximum number of mobile homes, manufactured homes or house trailers that can be located in compliance with this Ordinance.

D. Landscaping

Within a 50 foot peripheral setback area along each property line of such a park, designated screen fencing or landscape planting shall be placed so as to be 50% or more opaque between the heights of two feet and eight feet from the average ground elevation when viewed from any point along each property line.

E. Design and Improvements

The design and improvements provided in such proposed parks, including street widths and construction of approach streets or ways, shall conform to the requirements of the Oneida County Subdivision Control Ordinance. However, the street widths and construction requirements in the Oneida County Subdivision Control Ordinance shall be applied only to those streets which would be necessary to service a future conventional residential subdivision on such tract of land and need not be applied to secondary mobile home site access streets or ways unless the Planning and Zoning Committee determines certain requirements are necessary for ingress and egress of public emergency or service vehicles.

F. Common Space

Each park shall provide at least three acres of common space, exclusive of the required 50 foot peripheral setback area in which common recreational or service facilities can be located. An additional 200 square feet of common space shall be provided for each mobile home, manufactured home or house trailer in excess of 160 located within such park. Any such common space shall be reasonably compact in area so as to be usable and shall be located on well drained land which is not subject to periodic flooding or lengthy periods of wet conditions.

G. Driveways, Parking Spaces, Roads, and Streets

All driveways, parking spaces, roads and streets shall be graveled or paved with concrete or bituminous material.

H. Placement Requirement

1. Manufactured homes, mobile homes or house trailers shall be located at its park site in accordance with the manufacturer's installation instructions, if available, otherwise pursuant to accepted industry standards.
2. The space between the structure and the grade or slab shall be covered with materials compatible in design and appearance with the exterior of the structure.

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #2-2015 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Town Clerks of Oneida County and the Wisconsin Department of Natural Resources.

Approved by the Planning and Development Committee this 4th day of March, 2015.
Offered and passage moved by Supervisors: Holewinski, Hintz, Fried and Timmons.

MOTION/SECOND: Rudolph/Ives to amend Res#33-2015/General Code O.A.#2-2015 on line 17, change the word “if” to “is”.

ROLL CALL VOTE: 18 Ayes, 0 Nays, 3 Absent – Young, VanRaalte and Freudenberg.

STUDENT REPRESENTATIVES: 2 Ayes.

MOTION: passes.

ROLL CALL VOTE ON AMENDED RESOLUTION #33-2015/General Code/O A #2-2015 : 18 Ayes, 0 Nays, 3 Absent – Young, VanRaalte and Freudenberg.

STUDENT REPRESENTATIVES: 2 Ayes.

AMENDED RESOLUTION #33-2015/General Code/O A #2-2015: enacted.

**RESOLUTION #34-2015 - GENERAL CODE OF ONEIDA COUNTY, WISCONSIN
ORDINANCE AMENDMENT #3-2015**

Ordinance Amendment offered by the Planning and Development Committee

WHEREAS, the Planning & Development Committee, having considered Ordinance Amendment #3-2015, (copy attached) which was filed January 29, 2015, (copy attached) to amend Section 9.54, Communication Structures of the Oneida County Zoning and Shoreland Protection Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon February 18, 2015 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

WHEREAS, 66.0404 Wis. Stats., Mobile Tower Siting Regulations place limitations on political subdivision in their ability to regulate mobile towers; and

WHEREAS, The Oneida County Zoning and Shoreland Protection Ordinance, 9.54-Communication Structures does not comply with 66.0404 Wis. Stats.; and

WHEREAS, the Planning and Development committee has carefully studied the proposed changes after listening to comments made at the public hearing and recommends approval.

**NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS
DOES ORDAIN AS FOLLOWS:**

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Chapter 9 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

~~9.54 COMMUNICATION STRUCTURES (Amend #25-2005,03-2007,11-2008)~~

~~The purpose of this section is to regulate placement of communication structures, as defined in this ordinance to protect the public interest by minimizing health and safety hazards, and degradation of the Northwoods environment, while meeting public and private needs for communication services utilizing RF radiating and receiving equipment. Such regulation shall be accomplished by requiring a conditional use permit (CUP) for location of certain communication structures. Issuance of a CUP under this section does not relieve an applicant of any requirement to obtain any other permits, or to meet setback or other requirements, that may be applicable in this ordinance and Federal and Wisconsin law and regulation.~~

~~A. Applicability~~

~~Communication structures which meet any of the following conditions are regulated under this section:~~

- ~~1. Structures, including antennas and any other attachments or extensions, which exceed 100 feet in height above grade.~~
- ~~2. Structures, regardless of height, which are required by Federal regulations to be equipped with aviation hazard warning lighting.~~
- ~~3. Structures, regardless of height, which radiate, or have antennas which radiate, in excess 200 watts total RF energy.~~

~~Communication structures not meeting one or more of the above conditions are not regulated under this section but may be subject to regulation under other sections of this ordinance.~~

~~B. Conditional Use Permit Required~~

~~Communication structures regulated under this section may not be constructed, placed, modified, or removed without a CUP, except that a CUP will not be required for modifications to a communication structure which do not change the overall height, nor affect the structural integrity, significantly change the appearance and/or aviation hazard lighting, or increase the total RF energy radiated.~~

~~C. Compliance with Federal Regulations and Standards~~

~~Communication structures shall conform to all ANSI/TIA 222-F and all FCC, FAA, and OSHA regulations and standards. CUP applications submitted under this section shall certify that such requirements are met. If modifications are required to an existing communication structure as a result of new or changed regulations or standards, an application must be submitted for a new CUP or an amendment to any applicable existing CUP.~~

~~D. Minimizing the Number of Sites~~

~~Insofar as possible, the numbers and locations of communications structures shall be minimized through co-location by mounting more than one antenna on one structure, or, when that is not possible, by co-siting such structures. The cost of eliminating impediments to co-location shall be deemed reasonable if it does not exceed by 75 percent the cost of constructing a new structure on which to mount applicant's equipment.~~

- ~~1. When it is technically and economically feasible to mount more than one antenna on a communication structure, that structure shall be placed and constructed so that it may be utilized as a common support structure for several antennas unless fully justified otherwise in the CUP application.~~
- ~~2. If a suitable location cannot be found for placement of an additional antenna and related equipment on an existing structure, any new structure shall be co-sited within 100 feet of an existing structure insofar as possible. In such case, the owner of an existing structure shall allow placement of a new structure nearby on his site if space is available and at reasonable market cost. A CUP application to construct a new communication structure shall provide credible evidence as to why any existing structure cannot be used, or if to be located at a new site, why a site with an existing structure cannot be utilized for placement of an adjacent communication structure, to meet these requirements.~~
- ~~3. A new proposed structure shall be structurally and electrically designed to~~

- accommodate the applicant's antenna and associated equipment, and at least one comparable antenna and associated equipment for an additional user unless the applicant fully justifies why that is not feasible. Such new structures shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.
- ~~4. A new proposed communication structure shall be located not less than a distance at least equal to the height of the tower plus 100 ft from a principal dwelling that is not on the property on which the tower is located, unless co-located on an existing structure for which a CUP for a communication structure has been issued. This shall not apply to municipally owned towers used to provide police, fire and other emergency communication services for the protection and safety of the public, as well as providing co-location space for other communication service providers.~~
 - ~~5. No CUP application for the placement or construction of a new communication structure at a new site shall be approved unless the applicant presents to the County credible evidence of the following:
 - ~~a. No existing communication structure is located within the area in which the applicant's equipment must, for technical reasons, be located. The technical reasons that pertain shall be fully explained and justified in the CUP application.~~
 - ~~b. No existing communication structure within the area in which the applicant's equipment must be located is of sufficient height to meet applicant's requirements and the deficiency in height cannot be remedied at a reasonable cost. This situation shall be fully explained in the CUP application.~~
 - ~~c. No existing communication structure within the area in which the applicant's equipment must be located has sufficient structural strength to support applicant's equipment and the deficiency in structural strength cannot be remedied at a reasonable cost. The circumstances shall be fully explained in the CUP application.~~
 - ~~d. The applicant's equipment would cause uncorrectable electromagnetic interference with equipment on the existing permitted communication structures and equipment within the area in which the applicant's equipment must be located, or the equipment on the existing communication structure(s) would cause uncorrectable interference with the applicant's equipment and the interference from whatever source, cannot be eliminated at a reasonable cost, or the applicant's equipment would cause uncorrectable interference with other legally permitted and properly operating electronic equipment in the vicinity.~~
 - ~~e. The fees, costs or contractual provisions required by the owner of the existing communication structure or site in order to co-locate on an existing communication structure or locate a new structure adjacent to the existing structure are unreasonable relative to industry norms.~~
 - ~~f. The applicant demonstrates that there are other factors that render existing communication structures unsuitable or unavailable and establishes that the public interest is best served by the placement or construction of a new communication structure. A municipally owned communication tower, whose primary purpose is to provide essential police, fire, and other emergency communications and services for the protection and safety of the public, is clearly one factor.~~~~
 - ~~6. County and local government agencies shall have the right to reserve space upon any new tower or upon any tower being substantially modified. Reservation of the space upon the structure shall be acquired during the permit approval process through good faith negotiations with the applicant.~~

~~E. Electromagnetic Interference~~

~~Communication structures shall comply with all applicable federal and state regulations and standards to preclude electromagnetic interference with existing RF receiving equipment, provided that existing equipment which might be subject to interference is permitted, of proper design, and in good operating condition.~~

~~F. Aesthetics~~

~~Communication structures and associated equipment enclosures and buildings shall be constructed and maintained insofar as possible using materials, colors, textures, screening, and landscaping that blend the facilities with the surrounding landscape and in a manner that will minimize degradation of the environment to the greatest extent possible. They shall be, where technically feasible and when permitted by Federal regulation, finished in a color that is as visually neutral to the background sky as possible. Where an antenna is installed on a communication structure other than a tower, the antenna and associated equipment shall be of a color so as to be visually unobtrusive insofar as possible. When that is not possible for technical reasons, the CUP application shall provide full justification.~~

~~G. Signs~~

~~No advertising material or signage other than safety and security warning or equipment identification information shall be allowed on any communication structure. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamer, pennant, ribbon, spinner or waving, fluttering or revolving device, but not including weather devices. Signs identifying the owner(s) and operator(s) of the site and equipment thereat may be placed at the entrance to the site and/or entrance to the security compound in accordance with sign regulations outlined elsewhere in the ordinance.~~

~~H. Lighting~~

~~Communication structures shall not be artificially illuminated unless required by Federal or State regulation. To the maximum extent possible, all required lighting must cause the minimum visual disturbance to the surrounding views from the ground within a radius equal to five times the structure height above grade. Strobe lights shall not be operated at night if not required by Federal regulation. However, motion detector and/or photocell controlled security lighting shall be permitted to illuminate the compound, provided that such light fixtures shall be no higher than 20 feet above grade and directed downward.~~

~~I. Fencing~~

~~Towers, tower guy anchor points, and equipment buildings and enclosures shall be enclosed by security fencing not less than 6 feet in height and secured so as to make the enclosed area inaccessible to the general public. Fence design, materials and colors shall reflect the character of the surrounding area insofar as possible. The required fencing shall be installed within 30 days of completion of construction of the communications structure.~~

~~J. Landscaping~~

~~A buffer of plant materials shall be provided to effectively screen tower compounds and guy anchor points from public view and from adjacent properties. The minimum buffer shall consist of a landscaped strip surrounding the fenced area, excepting access gates, and providing at least 75 percent opacity up to six feet in height during a normal July growing season, that condition to be achieved within two years of construction of the fence. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced as approved by the County. Existing mature tree growth and natural land forms shall be preserved to the~~

~~maximum extent possible. In some cases, such as large, wooded sites, natural growth around the property perimeter may be sufficient buffer.~~

~~K. Communication Structures on Existing Structures~~

~~Subject to County approval, a communication structure may be situated on a commercial, industrial, professional, institutional, or governmental structure provided that such is installed and maintained in accord with applicable building codes, and complies with current Federal regulations and standards.~~

~~L. Costs of Required Consultants~~

~~In the event the County determines that it is necessary to consult with a qualified and neutral third party in evaluating an application, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. Failure to pay such costs and expenses or provide information requested by the County shall be grounds for denial or revocation of a CUP. Upon request, the applicant shall provide to the County the name of at least one consultant which the applicant believes is qualified to assist in resolving the issues before the County.~~

~~M. Charges for Co-Location~~

~~The holder of a CUP under this section shall make the structures and sites available for the placement of technologically compatible communication structures, antenna arrays, and associated equipment under contractual provisions which are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the co-location sites and a fair return on investment.~~

~~N. Conditions and Standards for Co-Location~~

~~The County shall apply the procedures under sections 9.41, 9.42 and 9.72(B)(4) and this section of this ordinance, when considering an application for a CUP to allow the modification of an existing communication structure. In addition, the County shall consider the reasonableness, based on economic and technological feasibility, of conditioning the grant of the CUP upon modifying the structure in a manner which would accommodate the co-location of one or more additional antenna arrays.~~

~~O. Compliance with Conditions of CUP~~

~~Upon written inquiry by the County the recipient of a CUP under this section shall have the burden of presenting credible evidence establishing to a reasonable certainty the continued compliance with all conditions placed upon the CUP. Failure to establish compliance with all conditions placed upon the conditional use permit shall be grounds for revocation of the permit.~~

~~In the event the County determines that it is necessary to consult with a qualified neutral third party to ascertain compliance with conditions on a CUP, all reasonable costs and expenses associated with such consultation shall be borne by the holder of the permit. Failure to pay such costs and expenses or provide information requested by the County shall be grounds for revocation of the permit. Upon request, the holder of the permit shall provide to the County the name of at least one consultant which the permit holder believes is qualified to assist in resolving the issues before the County. In any event, where a dispute arises under this ordinance involving an applicant for a CUP and the holder of a CUP hereunder, the County may allocate consulting costs and expenses between the applicant and permit holder in a competitively neutral manner.~~

~~P. Termination of Operation Under a CUP~~

~~Within 30 days after the date on which any operation conducted under an approved CUP permanently ceases, the permit holder shall provide the County with written notice of the cessation of such use. However, the holder of a CUP shall continue to be responsible for maintenance and security of the structure after permanent cessation of operation and until the structure is properly removed. Prior to final approval of the CUP by the County, the applicant shall provide a financial surety for the purpose of removal of the communication structure, in the event the permit holder does not completely remove said structure within the time specified in this section. The surety must remain in place for the life of the communication structure for the proposed location.~~

~~Q. Equipment Enclosures and Buildings~~

~~The holder of a CUP for a communication structure and any user co-locating under this ordinance shall be permitted to construct an equipment enclosure or building not exceeding 14 feet in height and 320 square feet in floor area for use directly incidental and necessary to the use of the communication structure. Two or more users of the structure may build a single building with a floor area not exceeding 320 square feet per user sharing the building. Buildings constructed or used by co-locators shall be subject to conditions established for the CUP for the structure. Larger buildings may be authorized in a CUP if adequately justified by an applicant. Plumbing shall not be allowed in such enclosures or buildings unless fully justified in the CUP application. Issuance of a CUP does not obviate any applicable requirement for a location and occupancy permit or other permit required by this or any other County ordinance or Federal or State regulation.~~

~~R. Identification and Removal of RF Equipment and Structures~~

~~Permits issued hereunder shall identify the primary type or types of RF equipment which are to be placed on the communication structure. Any such structure on which RF equipment authorized under any CUP is no longer placed or used for a continuous period of 12 months shall, upon notification by the County, be removed by the holder of the CUP(s) issued under this section. Upon permanent termination of the use of the communication structure all equipment and associated structure(s) shall be removed from the site. The County may grant an extension of the deadline for removal for good cause. If the communications structure is not removed by the removal deadline, the County may remove the structure at the expense of the holder of the CUP.~~

~~S. Future Plans~~

~~The County may require that an applicant for a CUP under this section provide information regarding the applicant's current plans for future placement or construction of communication structures elsewhere in Oneida County in addition to the structure which is the subject of the application.~~

~~T. Notice to Nearby Property Owners~~

~~An applicant for a CUP to construct a new communication structure, or to modify an existing structure by changing its height or significantly changing its lighting and appearance, shall notify nearby property owners of record, the town clerk, County supervisor and the town chairman for the district in which~~

~~the structure is to be located, within five working days of submission of the CUP application to the County. The notice shall include as a minimum the location and a clear description of the size, lighting, and appearance of the proposed new structure, or intended changes to such features of an existing structure, and a telephone number and/or address where additional information on the application can be obtained. The notice shall be sent by U.S. first class mail to the last known address of the owners of all parcels located in whole or in part within a radius equal to eight times the height of the structure above grade, the radius to be measured horizontally from the base of the structure but not to exceed a radius of 1/2 mile. The CUP applicant shall provide to the County within five working days of submission of the application a complete listing of the names and addresses of all property owners who have been notified of the application as required under this section.~~

9.54 MOBILE TOWER SITING

A. Purpose and Intent

1. Purpose

The purpose of this ordinance is to regulate by a permit:

- a. The siting and construction of any new mobile service support structure and facilities.
- b. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.
- c. With regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

It is the intent of Oneida County to regulate Mobile Service Support Structures and Facilities as permitted by Wisconsin State Statutes Chapter 66.0404.

2. Authority

The Oneida County Board has the specific authority under Wis Stat s. 59.69 and 66.0404 to adopt and enforce this ordinance.

3. Adoption of Ordinance

This ordinance, adopted by Oneida County, provides for the regulation by

permit:

- a. The siting and construction of any new mobile service support structure and facilities.
- b. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.
- c. With regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

[Since s. 66.0404 terms this as a “zoning ordinance” and references the statutory zoning authorities that envision prior Planning and Development Committee review and require a public hearing prior to adopting a new zoning ordinance, the county should also adhere those requirements.]

B. Definitions

All definitions contained in Wis Stat s. 66.0404(1) are hereby incorporated by reference.

C. Exempt from Permitting

The following shall be exempt from the requirement to obtain a zoning permit, unless otherwise noted.

1. The use of all receive-only television antenna and satellite dishes.
2. Amateur radio and/or receive-only antennas. This ordinance shall not govern the installation of any antenna that is owned and/or operated by a federally licensed amateur radio operator and is used for amateur radio purposes or is used exclusively for receive-only purposes.
3. Mobile services providing public information coverage of news events of a temporary or emergency nature.

D. Siting and Construction of Any New Mobile Service Support Structure and Facilities and Class I Collocation

1. Application Process

- a. A permit is required for the siting and construction of any new mobile service support structure and facilities.
 - b. A permit is required for a class I collocation.
2. A written permit application must be completed by any applicant and submitted to the Oneida County Planning and Zoning Department. The application must contain the following information:
- a. The name and business address of, and the contact individual for, the applicant.
 - b. The location of the proposed or affected support structure.
 - c. The location of the proposed mobile service facility.
 - d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - e. If the application is to construct a new mobile service support

structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

- f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
3. A permit application will be provided by the county upon request to any applicant.
4. If an applicant submits to the County an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the County shall consider the application complete. If the County does not believe that the application is complete, the County shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
5. Within 90 days of its receipt of a complete application, the County shall complete all of the following or the applicant may consider the application approved, except that the applicant and the County may agree in writing to an extension of the 90 day period:
 - a. Notify the Town involved and all neighboring property owners within one-thousand (1000) feet.
 - b. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
 - c. Make a final decision whether to approve or disapprove the application.
 - d. Notify the applicant, in writing, of its final decision.
 - e. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
6. The county may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.f.
7. If an applicant provides the county with an engineering certification showing that a mobile service support structure, or an existing structure,

is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the county provides the applicant with substantial evidence that the engineering certification is flawed.

8. The fee for the permit is \$1,500 per s. 66.0404(4)(d).

9. Limitations. Permits for siting and construction of any new mobile service support structure and facilities and permits for class 1 collocations shall only be granted provided the following conditions exist:

a. If the location of the proposed mobile service support structure or mobile service facility is on leased land, the lease agreement does not preclude the lessee from entering into leases on the site with other provider(s) and there is no other lease provision operating as a bar to collocation of other providers.

b. The applicant has obtained Federal Communications Commission (FCC) license numbers and registration numbers if applicable.

c. The applicant and/or agent have copies of Findings of No Significant Impacts (FONSI) statement from the Federal Communications Commission (FCC) or Environmental Assessment or Environmental Impact Study (EIS), if applicable.

d. The applicant and/or agent have copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings, if applicable.

e. The applicant and/or agent have plans indicating security measures (i.e. access, fencing, lighting, etc.).

f. For new mobile service support structures, the applicant has obtained a report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas.

g. The applicant and/or agent have proof of liability coverage.

h. The applicant and/or agent have copies of an Affidavit of Notification indicating that all operators and owners of airports located within five (5) miles of the proposed site have been notified via certified mail.

i. The facility or collocation is designed to promote site sharing, such that space is reasonably available to co-locators and such that telecommunication towers and necessary appurtenances, including but not limited to parking areas, access road, and utilities, are shared by site users whenever possible.

E. Class 2 Collocation

1. Application Process

a. A county permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the county but still requires the

issuance of the county permit.

- b. A written permit application must be completed by any applicant and submitted to the Oneida County Planning and Zoning Department. The application must contain the following information:
 - (1) The name and business address of, and the contact individual for, the applicant.
 - (2) The location of the proposed or affected support structure.
 - (3) The location of the proposed mobile service facility.
- c. A permit application will be provided by the county upon request to any applicant.
- d. A class 2 collocation is subject to the same requirements for the issuance of a permit to which any other type of commercial development or land use development is subject, except that the maximum fee for a permit shall be \$500.
- e. If an applicant submits to the county an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the county shall consider the application complete. If any of the required information is not in the application, the county shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- f. Within 45 days of its receipt of a complete application, the county shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45 day period:
 - (1) Make a final decision whether to approve or disapprove the application.
 - (2) Notify the applicant, in writing, of its final decision.
 - (3) If the application is approved, issue the applicant the relevant permit.
 - (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

2. The fee for the permit is \$500

F. Information Report

The purpose of the report under this subsection is to provide the county with accurate and current information concerning the telecommunications facility owners and providers who offer or provide telecommunications services

within the county, or that own or operate telecommunications facilities within the county, to assist the county in enforcement of this subsection, and to assist the county in monitoring compliance with local, state and federal laws.

1. Information Report. All telecommunications tower owners of any new telecommunications tower shall submit to the Planning and Zoning Department a Telecommunications Facility Information Report (the "Report") within 45 days:

- a. Following permit approval.
- b. Following receipt of a written request from the Oneida County Planning and Zoning Department.
- c. Following any change in occupancy of the tower.

The report shall include the tower owner name(s), address(es), phone number(s), contact person(s), and proof of bond as security for removal. The tower owner shall supply the tower height or current occupancy, if applicable, the number of collocation positions designated, occupied or vacant. This information shall be submitted on the county form provided and designated for such use, and shall become evidence of compliance.

G. Removal/Security for Removal.

1. It is the express policy of Oneida County and this ordinance that telecommunications towers be removed once they are no longer in use and not a functional part of providing telecommunications service and that it is the telecommunications provider's responsibility to remove such telecommunications tower and restore the site to its original condition or a condition approved by the Oneida County Planning and Zoning Department. This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the telecommunications tower down to five (5) feet below the surface. After a telecommunications tower is no longer in operation, the provider shall have 180 days to effect removal and restoration unless weather prohibits such efforts. Permittee shall record a document with the Oneida County Register of Deeds showing the existence of any subsurface structure remaining below grade. Such recording shall accurately set forth the location and describe the remaining structure.

2. Security for Removal. The owner of any telecommunications tower shall provide to Oneida County, prior to the issuance of a permit, a performance bond in an amount based on a written estimate of a qualified remover of said types of structures, or Twenty Thousand Dollars (\$20,000), whichever is less, to guarantee that the telecommunications tower will be removed when no longer in operation. Oneida County will be named as obligee in the bond and must approve the bonding company. The county may require an increase in the bond amount after five (5) year intervals to reflect increases in the Consumer Price Index. The provider shall supply any increased bond within a reasonable time, not exceeding sixty (60) days, after the county's request. A permittee may submit a letter of credit in the amount set forth above, or, in the alternative, a permittee with several sites in the county may submit a master bond to cover all of said sites. A master bond or a letter of credit may, in the committee's discretion, be in an amount sufficient to secure removal from one site if the master bond or letter of credit provides for replenishing any amount used as the master bond or letter of credit

covers any other site in the county.

H. Structural, Design and Environmental Standards.

1. Mobile Service Support Structure, Antenna and Facilities Requirements.
All mobile service facilities and mobile service support structures, except exempt facilities as defined in subsection (c), shall be designed to reduce the negative impact on the surrounding environment by implementing the measures set forth below:
 - a. Mobile service support structures shall be constructed of metal or other nonflammable material, unless specifically permitted by the county to be otherwise.
 - b. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their functions.
 - c. Equipment compounds shall be constructed of non-reflective materials (visible exterior surfaces only). Equipment compounds shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping, and shall be located or designed to minimize their visibility.
 - d. Mobile service facilities, support structures and antennas shall be designed and constructed in accordance with the State of Wisconsin Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, Oneida County Subdivision Ordinance, Oneida County Sanitation Ordinance, Electronic Industries Association (EIA), American National Steel Institute Standards (ANSI), and American National Standards Institute (ANSI) in effect at the time of manufacture.
 - e. Mobile service facilities and support structures shall not interfere with or obstruct existing or proposed public safety, fire protection or Supervisory Controlled Automated Data Acquisition (SCADA) operation telecommunication facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the county.
2. Site Development. A leased parcel intended for the location of new mobile service facilities, mobile service support structures, and equipment compounds shall be located so as to permit expansion for mobile service facilities to serve all potential co-locators.
3. Vegetation protection and facility screening.
 - a. Except exempt facilities as defined in subsection (c), all mobile service facilities shall be installed in a manner to as to minimize disturbance to existing native vegetation and shall include suitable mature landscaping to screen the facility, where necessary. For purposes of this section, "mature landscaping" shall mean trees, shrubs or other vegetation of a minimum initial height of five (5) feet that will provide the appropriate level of visual screening immediately upon installation.

- b. Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping as long as a telecommunication facility is maintained on the site.
- 4. Fire prevention. All mobile service facilities shall be designed and operated in accordance with all applicable codes regarding fire prevention.
- 5. Noise and Traffic. All mobile service facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end the following measures shall be implemented for all mobile service facilities, except exempt facilities as defined in subsection (c):
 - a. Noise producing construction activities shall take place only on weekdays (Monday through Saturday, non-holiday) between the hours of 6:00 a.m. and 6:00 p.m., except in times of emergency repair, and
 - b. Backup generators, if present, shall be operated only during power outages and for testing and maintenance purposes.
- 6. Separation Requirements. Mobile service support structures shall be separated by a minimum of 2640 feet, except that:
 - a. Two (2) mobile service support structures may be permitted to be located within 100 feet of each other subject to approval of the Oneida County Planning and Development Committee.
 - b. Camouflaged mobile service support structures are exempt from the separation between mobile service support structures requirement listed above.

I. Penalty Provisions

- 1. Abandonment. Any antenna, mobile service facility, or mobile service support structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Upon application, the Committee may extend the time limit to abandon once for an additional twelve-month period. Such extension shall be based on the finding that the owner or permit holder is actively seeking tenants for the site. After the expiration of the time periods established above, the following shall apply:
 - a. The owner of such antenna, mobile service facility or mobile service support structure shall remove said antenna, mobile service facility or mobile service support structure, including all supporting equipment, building(s) and foundations to the depth as otherwise herein required within ninety (90) days of receipt of notice from the Planning and Zoning Department notifying the owner of such abandonment. If removal to the satisfaction of the Planning and Zoning Department does not occur within said ninety (90) days, the Oneida County Planning and Zoning Director

may order removal utilizing the established bond as provided under subsection (G) and salvage said antenna, mobile service facility or mobile service support structure, including all supporting equipment and building(s). If there are two or more users of a single mobile service support structure, then this provision shall not become effective until all operations of the mobile service support structure cease.

b. The recipient of a permit allowing a mobile service support structure and facility under this section, or the current owner or operator, shall notify the Oneida County Planning and Zoning Department within 45 days of the date when the mobile service facility is no longer in operation.

2. Penalties. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall be subject to the penalty provisions set forth in 9.82, Enforcement and Penalties of the Oneida County Zoning and Shoreland Protection Ordinance and upon conviction, may pay a forfeiture of not less than \$25.00 nor more than \$250.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Planning and Zoning Department may seek injunctive relief from a court of record to enjoin further violations.

J. Severability

1. If any provision of this ordinance or its application to any person or circumstance is held invalid according to Wis Stat s. 66.0404, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #3-2015 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Town Clerks of Oneida County and the Wisconsin Department of Natural Resources.

Approved by the Planning and Development Committee this 1st day of April, 2015.
Offered and passage moved by Supervisors: Holewinski, Sorensen, Timmons, Fried and Hintz.

ROLL CALL VOTE: 17 Ayes, 1 Nay – Mott, 3 Absent – Young, VanRaalte and Freudenberg.

STUDENT REPRESENTATIVE: 2 ayes.

RESOLUTION #34-2015/GENERALCODE/OA#3-2015: enacted.

RESOLUTION #35-2015

Resolution offered by Supervisors of the Planning and Zoning Committee.
Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Oneida County Planning and Zoning Department has the responsibility to review all permit applications including communication structures or mobile tower siting structures and facilities pursuant to the Oneida County Zoning and

Shorelands Protection Ordinance; and

WHEREAS, the Oneida County Planning and Development Committee desires this department to be financially self-supporting as much as possible; and

WHEREAS, Chapter 9.54 has been modified to include a fee for such mobile tower siting structures and facilities; and

WHEREAS, the Oneida County Planning and Development Committee recommends the fees associated with siting and construction of new telecommunications towers be \$1,500.00, class 1 collocation permit fees be \$1,500 and class 2 collocation permit fees be \$500.00; and

NOW, THEREFORE, BE IT RESOLVED, the Oneida County Board of Supervisors adopts the attached fee schedule with an effective date commencing on April 21, 2015.

Approved by the Planning and Development Committee this 18th day of March, 2015.
Offered and passage moved by: Holewinski, Timmons, Fried and Hintz.

ROLL CALL VOTE: 18 Ayes, 0 Nays, 3 Absent – Young, VanRaalte and Freudenberg.

STUDENT REPRESENTATIVE: 2 Ayes.

RESOLUTION #35-2015: adopted.

Supervisor Metropulos excused at 11:00 a.m.

RESOLUTION #36-2015

Resolution offered by Supervisor Scott Holewinski
Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, Oneida County has received an offer to purchase with relation to the County Highway property; and

WHEREAS, if Oneida County sells the current highway department property a new facility will need to be constructed; and

WHEREAS, in order to construct a new highway department facility the county would need to borrow money, in the form of bonds, to pay for the construction; and

WHEREAS, Wisconsin State statute s .67.045(1) does not allow the governing body of a county to issue bonds under Wis. Stat. s. 67.05 or promissory notes under Wis. Stat. s. 67.12(12) unless one or more of eight sub-sections apply; and

WHEREAS, Wisconsin Statute s. 67.045 (1) (a), (b) & (f) allows a county to issue debt in three distinct manners:

(1) by referendum under Wis. Stat. s. 67.05(3),

(2) by adopting a resolution that sets forth its reasonable expectations that the issuance of the debt will not cause the County to increase the debt levy rate as defined in Wis. Stat. s. 59.605(1)(b) by a simple majority vote of the County Board,

(3) by adopting a resolution to issue the debt by a vote of at least three-fourths of the members elect as defined in Wis. Stat. s. 59.001(2m)

WHEREAS, it is in the best interest of Oneida County and the tax-paying citizens to adopt a resolution requiring a three-fourths vote of the members elect before the issuance of debt.

NOW, THEREFORE, BE IT RESOLVED, the Oneida County Board will only authorize the issuance of bonds under Wis. Stat. s. 67.05 or promissory notes under Wis. Stat. s. 67.12(12) by following the procedure as outlined under Wis. Stat. s. 67.045(1)(f) which requires a three-fourth vote of the members elect of the County Board.

Offered and passage moved by: Supervisor Scott Holewinski

Seconded by: Supervisor Fried.

ROLL CALL VOTE: 16 Ayes, 1 Nay – Jensen, 4 Absent – Young, VanRaalte, Metropulos and Freudenberg.

STUDENT REPRESENTATIVES: 2 Ayes.

RESOLUTION #36-2015: adopted.

RESOLUTION #37-2015

Resolution offered by Supervisor Dave Hintz

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, Oneida County has been presented an offer to purchase from Kwik Trip for existing Highway department property and has until May 1st, 2015 to respond to the offer to purchase; and

WHEREAS, Oneida County has engaged the professional services of Barrientos Design and Consulting to assist with evaluating the needs of the Highway Department including designs to remodel the existing facility and design of a new facility; and

WHEREAS, evaluation of the Barrientos information along with further evaluation of the possibility of a TIF district, effect of a Kwik Trip on the area, and other economic information necessitates more time to evaluate the offer; and

WHEREAS, the Highway Facility Evaluation Committee believes that requesting an extension to respond to the offer to purchase to August 1st, 2015 is necessary; and

WHEREAS, preliminary discussions with Kwik Trip regarding an extension have yielded a positive reaction from Kwik Trip.

NOW, THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that the Corporation Counsel shall draft and submit a counteroffer to Kwik Trip requesting an extension for a decision on the offer to purchase until August 1st, 2015.

Approved by Supervisor Dave Hintz this 13th day of April, 2015.

Offered and passage moved by: Supervisor Dave Hintz.

Seconded by: Supervisor Cushing.

ROLL CALL VOTE: 16 Ayes, 1 Nay – Fried, 4 Absent – Young, VanRaalte, Metropulos and Freudenberg.

STUDENT REPRESENTATIVES: 2 Ayes.

RESOLUTION #37-2015: adopted.

RESOLUTION #38-2015

Resolution offered by Supervisor Jack Sorensen

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the County Board held an evidentiary hearing on January 7th, 2015 regarding eight verified charges against the Veteran Services Officer; and

WHEREAS, in connection with that proceeding the Veteran Services Officer retained legal counsel at her own expense; and

WHEREAS, the cost to the Veteran Services Officer for her legal counsel was nine-thousand one-hundred eighty dollars and twenty-nine cents (\$9180.29)[see *attached bills*]; and

WHEREAS, the county should reimburse the Veteran Services Officer the costs she incurred for legal counsel.

NOW, THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that the Veteran Services Officer shall be reimbursed nine-thousand one-hundred eighty dollars and twenty-nine cents (\$9180.29) for legal expense incurred as a result of the matters subject to the evidentiary hearing held on January 7th, 2015; and

BE IT FURTHER RESOLVED, that the nine-thousand one-hundred eighty dollars and twenty-nine cents (\$9,180.29) shall come from the contingency fund.

Approved by Supervisor Jack Sorensen this 13th day of April, 2015.

Offered and passage moved by: Supervisor Jack Sorensen

Seconded by: Supervisor Rudolph

Per Brian Desmond, Corporation Counsel. A public purpose is necessary for Oneida County to spend tax dollars." "At this time no public purpose for this expenditure has been articulated". Resolution has non- approval from Corporation Counsel, Brian Desmond (4/14/15).

ROLL CALL VOTE: 7 Ayes, 10 Nays – Cushing, Zunker, Paszak, Jensen, Holewinski, Mott, Pederson, Krolczyk, Fried and Hintz. 4 Absent – Freudenberg, Metropulos, VanRaalte and Young.

STUDENT REPRESENTATIVES: 1 Aye, 1 Nay – Tenderholt.

RESOLUTION #38-2015: fails.

Student Representatives, Nichols and Tenderholt were excused at 11:50 a.m.

Mike Romportl, Land Information handed out a map for closed session of out-lots marked green and yellow owned by Jerry Shidell and the County. Mr. Shidell stated that he felt there was no need for a closed session.

Chairman Hintz proceeded without a closed session.

OTHER BUSINESS

Closed Session: (not needed)

It is anticipated that the County Board may go into closed session pursuant to sec. 19.85 (1)(e) of the Wisconsin statutes for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Motion will be made to enter into closed session.

Offer to Purchase Out-lots 1 & 2 of Certified Survey Map V19 P4288, 100 W. Keenan St., City of Rhinelander.

Upon completion of this portion of the meeting, it is anticipated the County Board will make a motion to return to open session to consider the remainder of the meeting agenda.

Announcement of action taken in closed session *[NOTE: If the announcement of action taken in closed session would compromise the need for the closed session the action taken will not be announced. Any action taken in closed session will be announced when the need for the closed session has passed].*

MOTION/SECOND: **Sorensen/Paszak** to accept Jerry Shidell's offer to purchase on a land contract for \$14,000 w/ \$5,000 down and the \$9,000 to be paid over a 10 year period.

ROLL CALL VOTE: 14 Ayes, 2 Nays – Zunker and Fried, 5 Absent – Metropulos, Freudenberg, Young, Fried and VanRaalte.

STUDENT REPRESENTATIVES: 2 Absent.

MOTION: passes.

Supervisor Cushing left 12:00 p.m.

More discussion took place on this motion, even though, the motion passed. In further

discussion, both Sorensen and Paszak agreed to amend the motion.

AMENDED MOTION/SECOND: Sorensen/Paszak to accept Mr. Shidell's offer to pay \$14,000 cash for out-lots 1 & 2 with the small area patch of land to go to the County and the water issue be resolved by both Shidell and the County.

ROLL CALL VOTE ON AMENDED MOTION: 11 Ayes, 5 Nays – Fried, Rudolph, Zunker, Krolczyk and Holewinski, 5 Absent – Young, Metropulos, Freudenberg, Cushing and VanRaalte.

NEXT MEETING DATE AND TIME: May 19, 2015 @ 6:00 p.m.
(unless a motion is made to change the starting time).

ADJOURNMENT: Rudolph/Sorensen to adjourn the meeting at 12:23 p.m. "All aye on voice vote", motion carries.

DRAFT